4:Grajdanzev--160-161 S-4 (no date) 1942 Formosans
116, 563, 646, 177.64 Japan
636.64

" 'For the consulting of the people's opinions' there is an advisory body to the governor-general, Hyogikai (1), established in June 1921. Only government-general

1. Usually translated 'council.'

officials, civil and military, and those private persons 'rich in knowledge and [161] experience' whom the governor-general choses to appoint have a right to represent the people's opinions; but all high officials, civil or military, are Japanese, and, as was mentioned, they are appointed as well as dismissed at the representation of the governor-general. This advisory body, consisting of a chairman, vice-chairman, and forty members is thus made up of persons whom the governor-general finds it convenient to appoint. The chairman is the governor-general himself, and the vice-chairman is his secretary-general. Each member is appointed for a two-years period, but with the permission of the governor-general may be released from duty before the expiry of that period. Clearly, this is a purely bureaucratic institution."

631
643 naval forces for the maintenance of order.

647 Under the governor-general, were a secretariat, several administrative departments, which included home affairs, education, finance, police, communication, agriculture, and industry, and monopoly bureaus and research institutes. There was also an
645 advisory council with forty councilors, all appointed by the governor-general, who was its chairman. The term of office for the councilors was two years. "In case of necessity, however, the governor-general of Taiwan is authorized to relieve any councilor of his post before the expiration of his office term."[3] The prerogatives of the council were "to announce its opinions in reply to questions submitted thereto by the governor-general regarding important matters of administration."[4] The councilors were appointed from among high-ranking government officials and resident citizens "rich in scholarship and experience." "Clearly, this is a purely bureaucratic
• 646 institution. The people of Taiwan have no representatives in the Japanese Imperial Diet; they have no representative body which takes

3. The Organization of the Council, Imperial Ordinance No. 248, June 1, as revised on June 28, 1930 by Imperial Ordinance No. 128, Article IV.

4. Ibid., Article I.

•646 part in the legislation or administration of the island."[5]

635 On the local level, the provincial governors were appointed by the Japanese emperor upon the nomination of the governor-general.[1] They supervised all the administrative bodies in their respective provinces. They could impose upon any person, without recourse to the courts, a prison term of two months and/or a fine of ¥ 70. There was a provincial assembly in each of the five provinces. The provincial assembly had forty members, one-half of whom were appointed by the governor-general and one-half of whom were elected by the city, town, and village assemblies. The assembly exercised limited powers over the provincial budget, matters of tax collection, and of general finance. The provincial assembly also elected six members, who together with the provincial governor and vice-governor formed the provincial council. In the districts the assemblies consisted of twenty members. The district assemblies had no budgetary power; their functions were purely advisory.

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5. Andrew J. Grajdanzev, Formosa Today, New York, Institute of Pacific Relations, 1942, p. 161.

1 [During Japanese Control 1895-1945--Analyst]

45:Stanford U. S-4, 5 1956 AD1 Formosa
~~AD1~~ AD1

Annex "A," Subparagraph 2b.1,
Political Background

## STRUCTURE AND FUNCTIONS OF THE CHINESE NATIONAL GOVERNMENT

642 186 The Chinese Nationalist Government is a democratic republic. The national flag has a red background which denotes the spirit of liberty and sacrifice, a white sun with twelve points, which represent twelve hour-periods of day, symbolizing unceasing progress, and a blue sky which signifies equality and justice for all.

### I. THE NATIONAL ASSEMBLY

646 The existing Chinese government derives its powers from the National Assembly which, according to the Constitution, exercises political powers on behalf of the people. (A chart showing the organization of the Chinese national government is appended at the end of the present chapter.)

The delegates to the National Assembly are elected on the basis of regional and vocational representation. There should be at least one delegate from each hsien or municipality. When the population of a hsien or a municipality exceeds 500,000, there should

646 be one additional delegate for each additional 500,000 . The number of delegates to be elected by occupational groups (trade unions and professional associations), as well as by racial minorities, are "prescribed by law."[1] The first National Assembly, elected in November 1947 before the Mainland of China was overrun by the Communists has 3,045 delegates.

The functions and powers of the National Assembly are enumerated in the Constitution[2] as follows: (a) election of the President and the Vice-President, (b) recall of the President or the Vice-President, (c) amendment of the Constitution, and (d) ratification of Constitutional amendments proposed by the Legislative Yuan.

Delegates to the National Assembly are elected to serve a six-year term. The term of the present Assembly expired in 1954. Because the China Mainland is occupied by the Communists and a new election is impossible,

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1. Subject to change. The number of representatives may be increased or reduced by legislation before the election.
2. Constitution, Article 27.

646 the tenure of the First National Assembly has been prolonged by a special act of the Legislative Yuan. The second session of the National Assembly was convened in Taipei on February 19, 1954 and was attended by 1,578 delegates. On March 10, it adopted a resolution to recall Vice-President Li Tsung-jen for dereliction of duty.[3] On March 22, the National Assembly re-elected Chiang Kai-shek as the President and two days later elected Ch'en Ch'eng as Vice-President of the Republic of China.

## II. THE PRESIDENT

643 Under the Constitution the President is the head of the State with power to represent the nation in foreign relations. He commands the army, navy, and air force, and promulgates laws and issues mandates with the countersignature of the President of the Executive Yuan. Subject to the restraints of the Legislative Yuan he exercises the power to conclude treaties, declare war, and make peace. He may declare martial law, and grant general amnesty, pardon, remission of sentences, and

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3. Li Tsung-jen has been living in the United States since December 1949 and has steadily ignored appeals by the Chinese government and the Kuomintang to return to Free China to direct the affairs of State.

642 Reconstruction[7] that it had been an admirable system and should be preserved in the new Constitution of China. Therefore the framers of the Chinese Constitution have carefully worked out a new system of the division of powers, slicing out of the legislative branch the power of impeachment and out of the executive branch the power of examination of civil servants and delegating those powers to two independent branches of the government. Thus, the Chinese national government has five departments -- the Legislative, the Executive, the Judicial, the Censorial (named Control Yuan), and the Examination Yuan.[8] These five branches of the national government represent five independent political functions from which the new Constitution of China is known as the "five-power constitutional system."

A. The Legislative Yuan

646 The Legislative Yuan is the highest law-making organization in Nationalist China.

7. Sun Yat-sen, Fundamentals of National Reconstruction (English translation), Taipei, China Cultural Service, reprint 1952, p. 38.

8. Yuan, literally meaning a hall, court, or college, is a government department on the highest level.

646 Its members are elected directly by popular vote -- five for each province or municipality -- with a population of less than 3,000,000. Where the population exceeds 3,000,000, there should be one additional member for each additional million persons. Mongolia, Tibet, and other racial minorities as well as professional groups elect their own members to the Legislative Yuan as separately prescribed by law.[9] Any citizen over the age of twenty-three is eligible to be a member of the Legislative Yuan.

The present Legislative Yuan was elected in May 1948. Its total membership is 773, including:

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|---|---|
| 560 | representing 35 provinces |
| 62 | representing 12 municipalities |
| 22 | representing Mongolia |
| 15 | representing Tibet |
| 6 | representing minority racial groups |
| 19 | representing overseas Chinese |
| 89 | representing various professional groups |
| 773 | Total |

9. Chinese Constitution, 1947, Article 64.

646 Actually 760 members were elected, of whom 684 members attended the first session at Nanking in 1948. Now 523 members are in Formosa; this number includes 110 new members who[10] fill the vacancies caused by death or deprivations of membership of the members remaining on the Mainland.

The term of office of a member of the Legislative Yuan is three years, with eligibility for re-election. The term of the first Legislative Yuan expired on May 6, 1951, but, in view of the extraordinary circumstances which render a new election impossible, the term of office has been extended several times.

The Legislative Yuan has extensive legislating powers, including the sanction of national budgets, ratification of treaties and agreements, adoption of laws, consent or rejection for the nomination of the President of Executive Yuan by the President. In practice, after the government was moved to Formosa, the Legislative Yuan has adopted most of the bills presented to it for consideration with only slight amendments. On a few occasions, such as the government

10. There were formerly alternate members, i.e., people who during the election, received the second highest number of votes.

646 proposal to raise the rate of electricity, the bills were first severely criticized and rejected, but they were adopted when the Executive Yuan requested re-consideration.[11]

Although the censorial power is allocated to a different branch of the government, the Legislative Yuan has the right to interpellate the President and the heads of the various ministries and commissions of the Executive Yuan on their administrative policies and activities. This right of inquiry has been frequently exercised by the present Legislature. In one such inquiry, a serious case[12] of corruption involving the Minister of Economic Affairs was bared. Court action ensued and the Minister of Economic Affairs was compelled to resign.

B. The Executive Yuan

645 The Executive Yuan, comparable to the cabinet in other countries, is the highest administrative organ in Nationalist China. All

11. The Executive Yuan may request the Legislature to reconsider a resolution only with the approval of the President of the Republic. The President has no veto power, nor has he any power to dissolve the Legislature Yuan.

12. The case of the Yangtze Lumber Company.